

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-00047

IJAZ OLIVER

MEMORANDUM OPINION AND ORDER

Trial of this matter is currently scheduled to begin on October 22, 2024. Pending before the court is the motion of defendant Ijaz Oliver for a continuance of the plea hearing. (ECF No. 32.) In support of defendant's motion, counsel for defendant explains that the defendant is scheduled to have a medical procedure at Charleston Area Medical Center on October 7, 2024, for which several weeks of recovery will be required. The government does not object to a continuance. Accordingly, trial of this matter is CONTINUED to 9:30 a.m. on **November 20, 2024**, in Charleston. The plea hearing will be held at 2:30 p.m. on **November 13, 2024**, in Charleston.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion

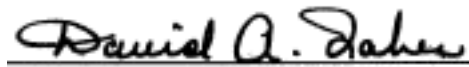
"would be likely to make a continuation of such proceeding impossible or result in a miscarriage of justice." Id. § 3161(h)(7)(B)(i); see also United States v. Eccleston, 615 F. App'x 767, 777 (4th Cir. July 31, 2015) ("Unavoidable health concerns are a valid reason for granting a reasonable delay.").

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 4th day of October, 2024.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge